

IN RE: PETITION FOR ZONING VARIANCE
SW/4 Naygall Road, SE of
Glen Mill Road
(5012 Naygall Road)
11th Election District
5th Councilmanic District
Neil F. Bates, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-78-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 4 feet in lieu of the required 11.25 feet for an open projection (deck) in accordance with Petitioner's Exhibit 1.

The Petitioners, by Neil F. Bates, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 9012 Naygall Road, consists of .158 acres split zoned D.R. 3.5 and D.R. 5.5 and is improved with an existing single family dwelling which has been Petitioners' residence for the past 18 months. Petitioner testified that he is desirous of constructing a 27' x 13' deck off the rear of the property; however, due to the unique shape of the lot and location of the dwelling on the property, the requested variance is necessary. The Petitioner argued that the right rear corner of the lot is unusable due to the topography of the land which could be corrected by the construction of the proposed deck. Mr. Bates introduced a statement signed by the adjoining property owners which indicated they had no objection to Petitioners' request.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements

of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of September, 1989 that the Petition for Zoning Variance to permit a rear yard setback of 4 feet in lieu of the required 11.25 feet for an open projection (deck) in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as this 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/14/89
By [Signature]

JMN:bjs

- 2 -

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-78-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 301.1 and 3.5.5.5 (ZMR) to allow an open projection (deck) with a setback of 4 feet in lieu of the required 11.25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Rear setback requirement causes undue hardship. Right-rear corner of lot is unusable due to slope. Deck above slope would remedy this. However, 15 foot rear setback prohibits construction of useable deck due to builder's placement of house on lot. Proposed deck would be 4 feet from rear property line at closest point, and 16 feet from adjacent house at closest point.

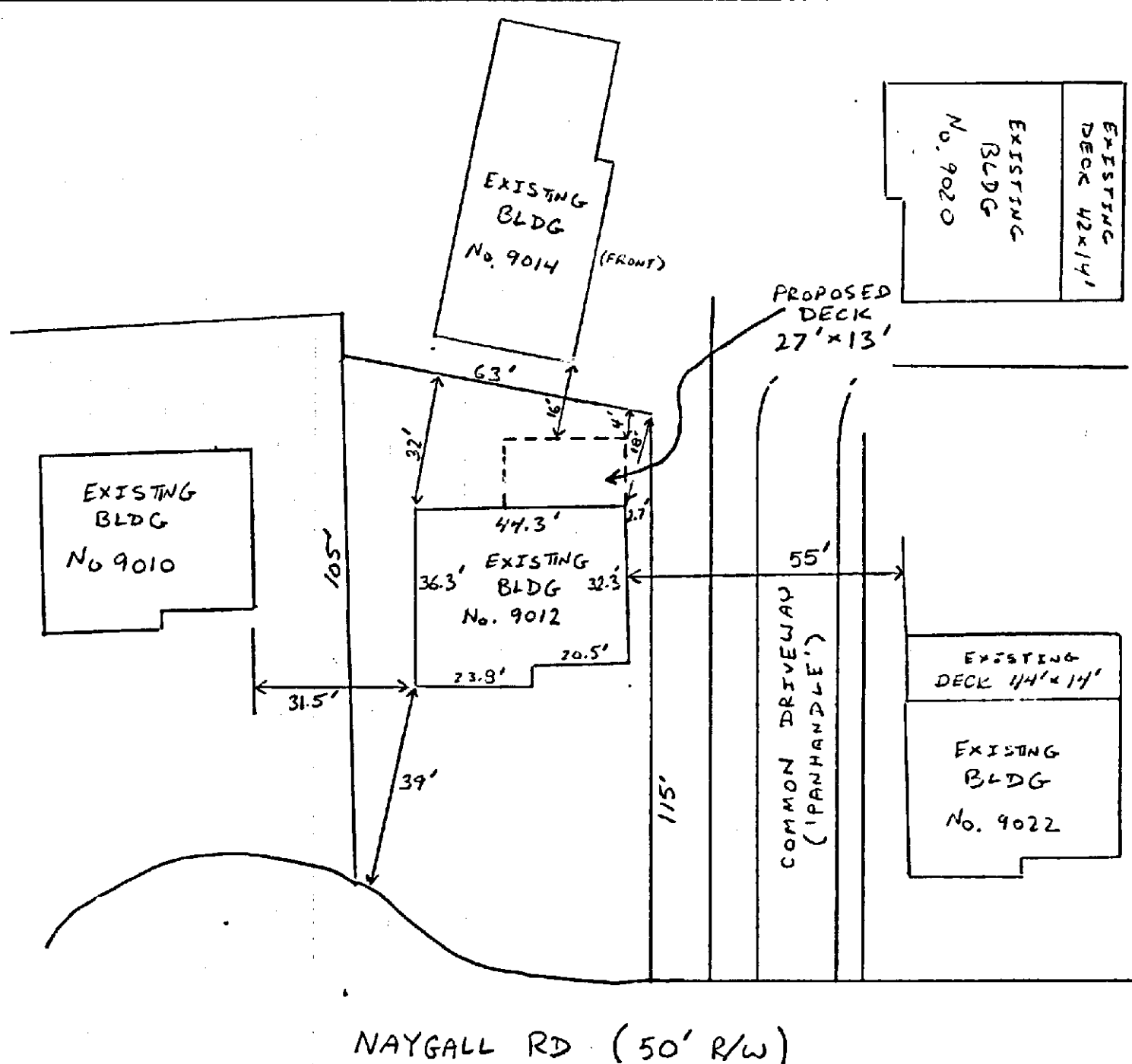
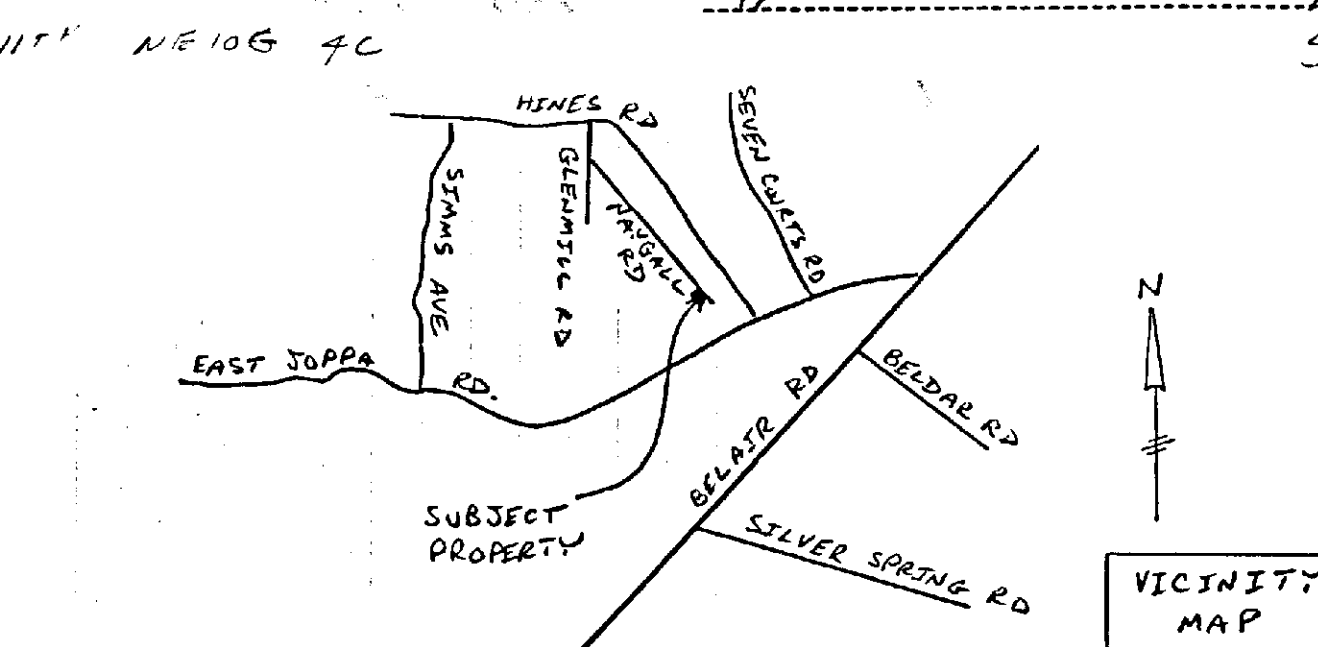
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Neil F. Bates
(Type or Print Name)
Signature: [Signature]
Address: 9012 Naygall Rd.
City and State: Baltimore Md.
Attorney for Petitioner: Brenda G. Bates
(Type or Print Name)
Signature: [Signature]
Address: 9012 Naygall Rd.
City and State: Baltimore Md.
Attorney's Telephone No.: 529-1763

ORDERED By The Zoning Commissioner of Baltimore County, this 21 day of September, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6 day of September, 1989, at 2 o'clock p.m.



PLAT FOR ZONING VARIANCE
OWNER - NEIL & BRENDA BATES
DISTRICT - 11 ZONED DR 3.5 & 5.5
SUBDIVISION - GLEN MILL ESTATES
(RESUBDIVISION OF JOPPA VILLAGE)
LOT 23 PLAT BOOK N. 55 FOLIO 118
EXISTING UTILITIES IN NAYGALL RD
LOT SIZE: 6930 sq ft
1.58 acres
SCALE: 1"=30'

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

DATE 9-11-89

Mr. & Mrs. Neil F. Bates
9012 Naygall Road
Baltimore, Maryland 21204

Petition for Zoning Variance
CASE NUMBER: 90-78-A
SUS Naygall Road, SE of Glen Mill Road
9012 Naygall Road
11th Election District - 5th Councilmanic
Petitioner(s): Neil F. Bates, et ux
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 6, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Bates:

Please be advised that \$98.86 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there would be a charge for each such set.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 074532

DATE _____ ACCOUNT R-01-015-000

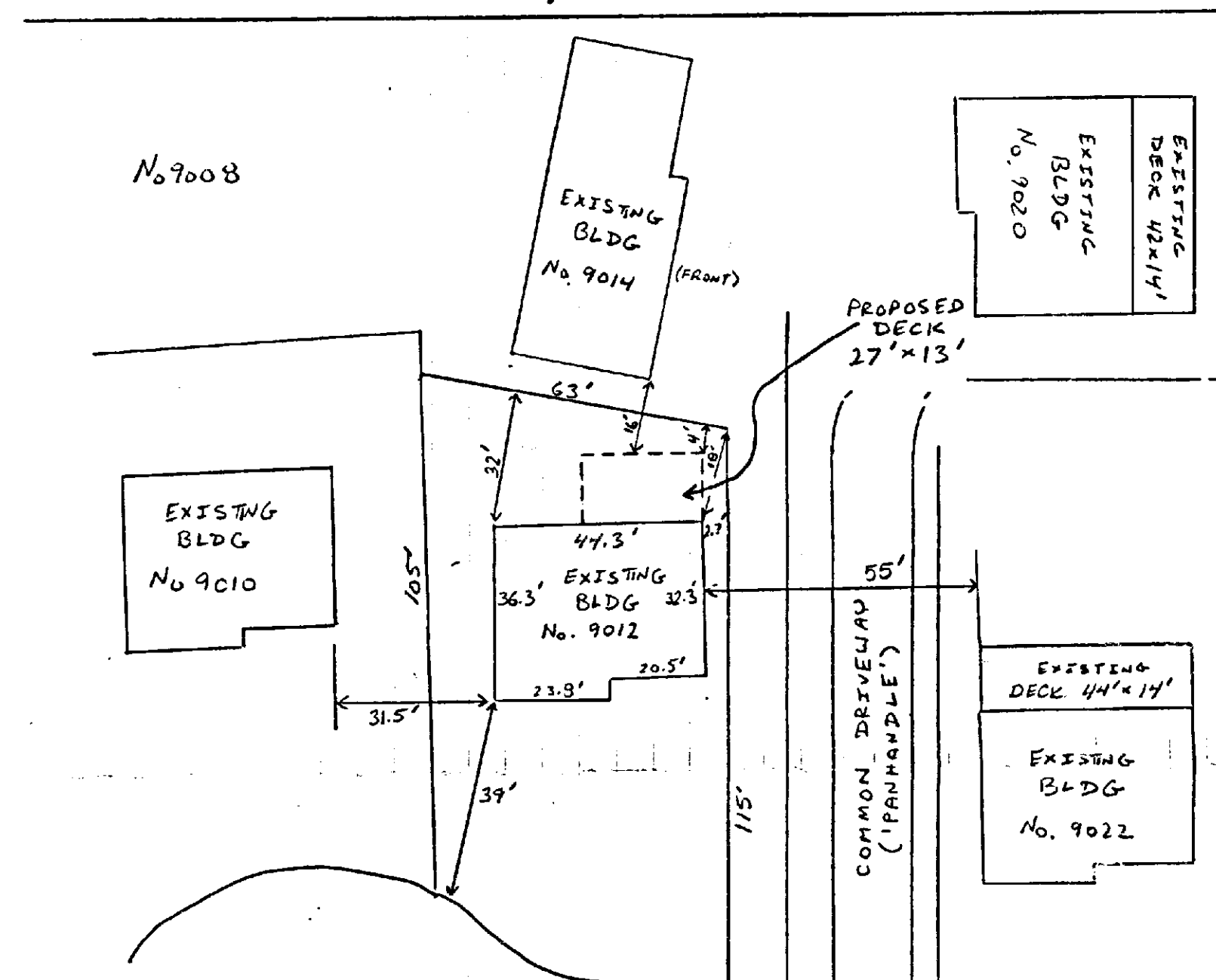
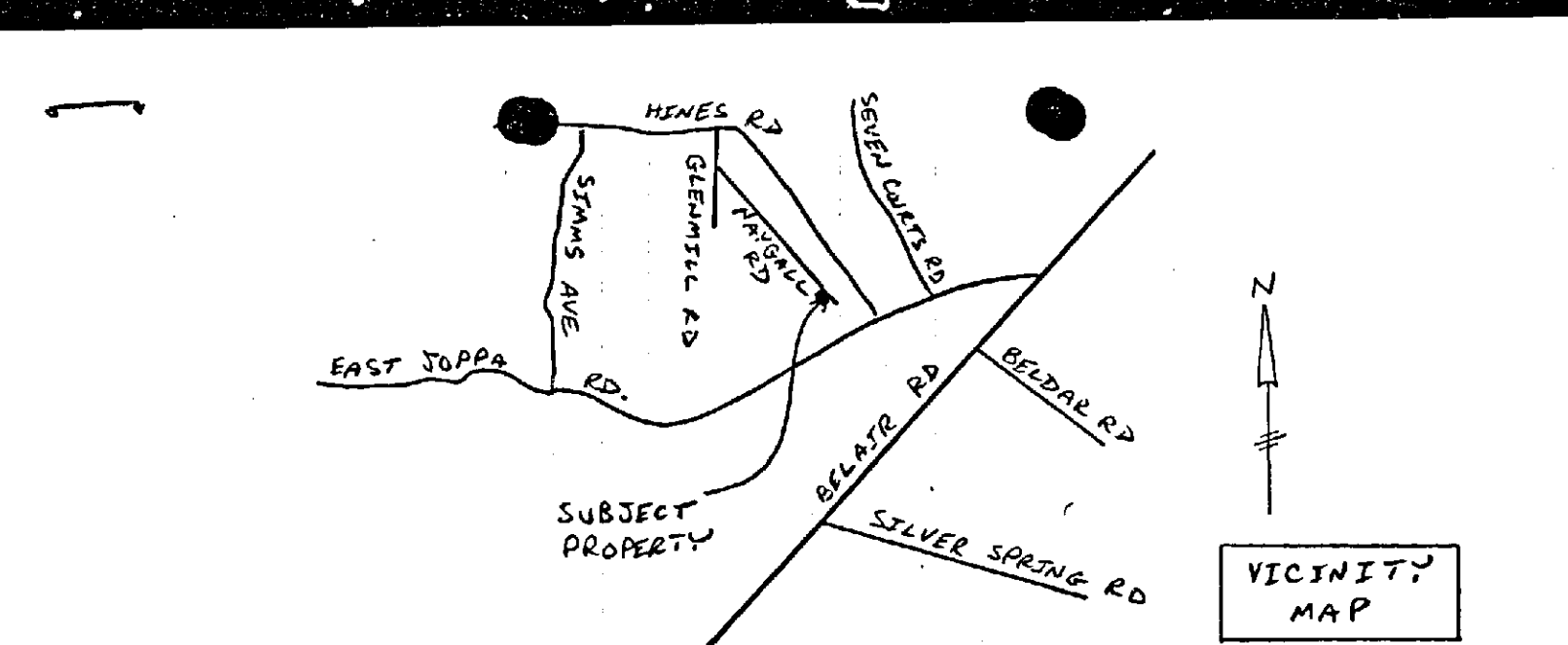
AMOUNT \$ 98.86

RECEIVED Neil F. Bates, et ux

FOR: Posting & Adv. for 9/6/89 Hearing 90-78-A

B 8104*****9886 to CCLF

VALIDATION OR SIGNATURE OF CASHIER



PLAT FOR ZONING VARIANCE
OWNER - NEIL & BRENDA BATES
DISTRICT - 11 ZONED DR 3.5 & 5.5
SUBDIVISION - GLEN MILL ESTATES
(RESUBDIVISION OF JOPPA VILLAGE)
LOT 23 PLAT BOOK N. 55 FOLIO 118
EXISTING UTILITIES IN NAYGALL RD
LOT SIZE: 6930 sq ft
1.58 acres
SCALE: 1"=30'

ZONING DESCRIPTION

On the southwest side of Naygall Road, being lot #23 in Glen Mill Estates, resubdivision of Joppa Village, Book No. 55, Folio 118. Also known as 9012 Naygall Road in the 11th Election District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th Date of Posting 9/10/89
Posted for: Variance
Petitioner: Neil F. Bates, et ux
Location of property: SW/4 Naygall Rd. SE of Glen Mill Rd.
9012 Naygall Rd.
Location of Sign: Facing Naygall Rd. 7' from the driveway on property of Petitioner.
Remarks: [Signature]
Posted by: [Signature] Date of return: 9/15/89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 10, 1989.

THE JEFFERSONIAN
NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zebe Orlan
Publisher

PO 15151
reg M 31087
no 90-78-A
price \$ 74.85

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Law of Baltimore County, will hold a public hearing on the proposed zoning variance for the subject property at 9012 Naygall Road, SE of Glen Mill Road, in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Wednesday, September 6, 1989 at 2:00 p.m.
Petitioner(s): Neil F. Bates, et ux
Hearing Date: Wednesday, Sept. 6, 1989 at 2:00 p.m.
Variance: to allow an open projection (deck) with a setback of 4 feet in lieu of the required 11.25 feet.
In the event that this Petition is granted, a building permit must be obtained within the 30-day period. The Zoning Commissioner will, however, exercise any discretion to grant a variance of time and permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner
BALTIMORE COUNTY, MARYLAND

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 26, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-78-A
SWS Naygall Road, SE of Glen Mill Road
9012 Naygall Road
11th Election District - 5th Councilmanic
Petitioner(s): Neil F. Bates, et
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 6, 1989 at 2:00 p.m.

Variance: To allow an open projection (deck) with a setback of 4 ft. in lieu of the required 11.25 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: Mr. & Mrs. Bates
File

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: August 30, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Neil F. Bates, et. ux., Item 536
Zoning Petition No. 90-78-A

The petitioners request a Variance to permit a deck with a reduced setback. In reference to this request, this office offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/sf

SEP 04 1989

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reusche
Chief

JUNE 19, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

RE: Property Owner: Neil F. Bates

Location: #9012 Naygall Road

Item No.: #536 Zoning Agenda: JUNE 20, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capt. Jeffery M. 6-20-89* Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

JK/kek

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 3 1989

ZONING OFFICE

July 31, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 534, 535, ~~536~~ 537, 538, 539, and 540.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab